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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/678,915 | 10/04/2000 | Ira A. Kronenberg | KRONA01/00 | 7233 |
| 27988 | 7590 | 01/11/2005 | EXAMINER | |
| JOSEPH T. REGARD, LTD PLC PO DRAWER 429 MADISONVILLE, LA 70447-0429 | | | ZEENDER, FLORIAN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3627 | |
| DATE MAILED: 01/11/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,915

Applicant(s)

KRONENBERG ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, in claims 12, 14, and 17, the terminology, "utilizing monodirectional RF transmission **only**" (*emphasis added*) is not supported by the original specification. In claim 17, paragraph "f", the terminology, "without communicating to said transmitter from said reception area" is not fully supported by the original specification. In claim 19, the terminology, "utilizing one-way RF transmission **only**" (*emphasis added*) is not supported by the original specification. In claim 22, the terminology, "utilizing monodirectional RF transmission **only**" (*emphasis added*) is not supported by the original specification.

Claim Rejections - 35 USC § 103

Claims 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. '800 in view of Sedam et al. '292 and Schwartzendruber '784.

Beard et al. disclose or inherently teach: a communication system between a vending machine, service delivery vehicle, and a central management location (see, for example, columns 1 and 2) utilizing transceivers that transmit vending machine data.

Beard et al. lack the specific teaching of the data being sales, cash, and identity data transmitted from the vending machine; the data being transmitted at “predetermined intervals”, and the transmission utilizing monodirectional RF transmission only.

Sedam et al. '292 teach a sales and cash monitoring system for identified vending machines (See, for example, Col. 2, lines 44-58), whereby data is received at predetermined intervals (Col. 2, line 47-48), to provide for a more efficient scheduling of routes (See Col. 1, lines 61-62), and utilizing radio communications for transmitting/receiving data (See Col. 3, lines 40-43).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beard et al. to have the data be sales, cash, and identity data transmitted from the vending machine and the data transmitted at “predetermined intervals”, in view of Sedam et al., in order to “improve the efficiency of the use of manpower and equipment in vending supply operations” (See Sedam et al., Col. 1, lines 55-56).

Schwartzendruber teaches that it is well known to: have monodirectional data transmission between a vending machine and service station (See for example Col. 5, lines 1-28); the data transmission being RF transmission (See Col. 7, lines 55-63).

It would have been further obvious to one of ordinary skill in the art at the time of the invention to modify Beard et al. to have monodirectional RF data transmission between the vending machine and the service center, in order for the vending machine to **initiate notification** to service personnel of depleted inventory prior to complete inventory depletion (See Schwartzendruber Col. 5, lines 12-22).

*Re claim 19, step (b): Beard et al. teaches collecting data, **processing data**, and updating data (See, for example, claim 2) which meets applicant's limitation of "abbreviated" data as "**processing data**" often entails eliminating unnecessary information.*

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beard et al. '800 in view of Sedam et al., Schwartzendruber, and further in view of Howell et al. '644.

Beard et al. in view of Sedam et al. and Schwartzendruber teach all of the limitations of the claim (see rejection above) except the use of DEX/UCS.

Howell et al. teach a similar vending machine system utilizing DEX/UCS (See Col. 4, line 36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Beard et al. in view of Sedam et al. and Schwartzendruber to use DEX/UCS, in further view of Howell et al., in order to establish an efficient communication (See Howell et al., Col. 2, lines 33+).

*Re claims 22, step (b): Beard et al. teaches collecting data, **processing data**, and updating data (See, for example, claim 2) which meets applicant's limitation of "filtered" data as "**processing data**" often entails eliminating unnecessary information. Further, Howell et al. teach information that is "organized" in terms of the needs of the user (See for example, Col. 2, lines 45-48) which also meets applicant's limitation of "filtered data".*

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

The affidavits received October 1, 2004 have been considered. The evidence of commercial success is strong, however, the claims as presently written do not meet the requirements of 35 USC 112 and 103 as described in the rejections above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

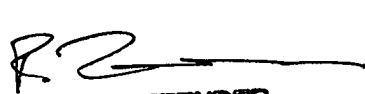
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113. The fax number is (703) 872-9326 for before-final communications.

F. Zeender
Patent Examiner, A.U. 3627
January 4, 2005

 1/4/05
F. RYAN ZEENDER
PRIMARY EXAMINER